IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FERA APPEAL (ST.) NO.36315 OF 2003

Union of India & Anr. ..Applicants.

V/s.

Gurnam Singh Sahni ..Respondent.

Mr.A.S.Rao with Mrs.S.V.Bharucha i/b. H.P. Chaturvedi for applicant.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 24TH AUGUST, 2007.

P.C. :-

The respondent was a foreign national of Indian origin. On the death of his mother in the year 1974 he inherited the share in the property. That property was subsequently sold. The respondent was charged for having not furnished the information of the property under section 31(1) and thereafter for selling the property without the permission of the R.B.I. In so far as the second part is concerned, the learned Tribunal relying on the R.B.I. circular held that the said permission was not required and accordingly in so far as that charge is concerned held that no penalty can be imposed.

2. In so far as the issue of inheritance is

concerned, the learned Tribunal concluded that respondent had not acquired any property and he was not resident of India and it cannot be said that he was holding the property.

3. In our opinion, though the expression 'holding' may require further consideration, on the facts set out in the case, there is no question of law which would arise in this appeal and consequently, the appeal is dismissed with no order as to costs.

(F.I.REBELL0, J.)

(J.P.DEVADHAR, J.)